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06/28/2001

Claude Chapel

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09/07/2006

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EXAMINER

SHIBRU, HELEN

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-----------------|---------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/869,389 | CHAPEL ET AL. | |
| | Examiner | Art Unit | |
| | HELEN SHIBRU | 2621 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendments, filed 06/22/2006, have been entered and made of record. Claims 16-33 are pending.

Response to Arguments

2. Applicant's arguments filed 06/22/2006 have been fully considered but they are not persuasive.

In re page 8 the Applicant states “Moriyama et al. does not disclose a recording device with a ‘means of storage comprising two file systems having different recording block sizes’.”

In response the examiner respectfully disagrees. The block sizes of the two file system in Moriyama are not the same. Moriyama discloses the VOB unit is provided with navigation pack, video pack, audio pack and sub-picture pack. Moriyama further discloses MPEG 2 method is adopted at the time of recording the video information on to the DVD. Encoding bit rate of audio signal is not the same as encoding bit rate of video signal, as the Applicant agreed on the remark page 8. It is normal and conventional that they have different number of bits. Furthermore Moriyama discloses the audio packs the video packs and the sub picture packs are recorded such that the reproduction time for one VOBU is equal to or longer than 0.4 seconds (see col. 8 lines 1-6). As for the compression standard of MPEG, its compression ratio of video signal must be higher than its compression ratio of audio signal, therefore the compressed video bits rate is divided by the compressed audio bits rate and the decimal of result is then carried unconditionally to obtain an integer. A/V bit-rates can range from about 60Kbps to 15 Mbps for MPEG video, from about 56-384Kbps for MPEG audio, and between about 32-640 Kbps for

AC-3 audio. Therefore Moriyama discloses two file systems having different recording block sizes.

In re page 9 the Applicant states “Moriyama et al is not concerned with recording data accumulated in said first memory in a first area of the block, and the audio data accumulated in the second memory in a second area of the same block.”

In response the Examiner respectfully disagrees. Moriyama discloses the video packs one or a plurality of GOPs are recorded within one VOB unit 30. Moriyama further discloses the audio pack or the sub picture pack are recorded (see col. 9 lines 51-67).

In re page 10 the Applicant states “Moriyama does not disclose a recording device having a double file system.”

In response the Examiner respectfully disagrees. Moriyama discloses a recording device having triple file system, video, audio and sub-picture.

The examiner believes that the claimed invention does in fact read on the cited reference for at least the reasons discussed above and as stated in the detail Office Action as follows. This Office action is now made Final.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 16-18, and 21-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Moriyama (US Pat. No. 6,067,282).

Note to the Applicant: The US PTO considers the Applicant’s “or” language to be anticipated by any reference containing one of the subsequent corresponding elements.

Regarding claims 16, 17, and 18, Moriyama discloses digital video reception device, comprising:

means of reception and of demultiplexing of a multiplexed digital stream (see fig. 18-19); and means of storage comprising two file systems having different recording block sizes (see fig. 19, audio and video files and col. 18 lines 9-17, video file size is larger than audio file size).

Regarding claim 21, Moriyama discloses the storage means comprise a recordable disk comprising a single boot block, a first area reserved for the service data of the first file system and for the corresponding data

blocks, and a second area reserved for the service data of the second file system and for the corresponding data blocks (see fig. 19 DVD 1 and col. 6 line 61-col. 7 line 19).

Regarding claim 22, Moriyama discloses a first video writing memory for accumulating a predetermined quantity of demultiplexed video packets;

a second audio writing memory for accumulating demultiplexed audio packets; means of storage being adapted to store the remultiplexed audio and video packets in the form of blocks of the first file system, each block comprising a first area for recording the video packets and of fixed size equal to said predetermined quantity, and a second area for recording for audio packets and of fixed size such that it is greater than or equal to the maximum quantity of audio data which can be accumulated while obtaining the predetermined quantity of video data (see fig. 19, and col. 7 lines 51-67 and col. 18 lines 9-17).

Regarding claim 23, Moriyama discloses a third video reading memory for reading video data from the storage means; and

a fourth audio reading memory for the reading of audio data, the respective sizes of the third and fourth memories, video and audio reading respectively, being equal to the sizes of the first and second memories, video and audio writing respectively (see fig. 19).

Regarding claim 24, Moriyama discloses a writing memory for transmitting data to the storage means, which memory is organized as an area comprising N video writing memories of FIFO type and an audio writing area comprising a memory of FIFO type having the size of N audio writing memories (see col. 23 lines 6-16 and col. 23 lines 41-61);

means for controlling the transfer of video data to a first of the N video writing memories and of audio data to the audio writing area, the transfer of video data being continued to a next video writing memory when said first of the N video writing memories is full (see col. 22 lines 19-31); and

means for storing the location, in the area for recording audio data, of the audio data corresponding to each of the N video writing memories (see col. 23 lines 41-60).

Regarding claim 25, see rejection of claim 24, operation of FIFO type memories.

Regarding claim 26, Moriyama discloses a reading memory for receiving data from storage means, which memory is organized as an area comprising N video reading memories of FIFO type and all audio reading area comprising a memory of FIFO type having the size of N audio reading memories (see col. 23 lines 6-16 and col. 23 lines 41-61);

means for controlling the transfer of video data to a first of the N video reading memories and of audio data to the audio reading area, the transfer of video data being continued to a next video reading memory when said first of the N video reading memories is full (see col. 22 lines

19-31); and means for storing the location, in the area for reading audio data, of the audio data corresponding to each of the N video reading memories (see col. 23 lines 41-60).

Regarding claim 27 see the rejection of claim 26 above, FIFO type memory.

Regarding claim 28, the limitation of claim 28 can be found in claims 16-18 and 22 above. Therefore claim 28 is analyzed and rejected for the same reason as discussed in claims 16-18 and 22.

Regarding claim 29, Moriyama discloses the ratio of the sizes of the first and second areas is such that it is greater than or equal to the maximum ratio of the bit rate of video (1a1 and of the bit rate of audio data in the digital stream (see col. 7 lines 51-67 and col. 18 lines 9-17).

Regarding claim 30, Moriyama discloses recording in each block of a (1a1 item indicating the quantity of audio data recorded in this block (see col. 7 lines 51-67).

Regarding claim 31, Moriyama discloses the recorded audio and video data pre elementary stream packets, with the exclusion of information emanating from the transport layer (see fig. 18 and col. 7 lines 51-67).

Claim 32 is rejected for the same reason as discussed in claim 16 above.

Regarding claim 33, a rerecordable disk divided into sectors, data blocks of the first file system having a size of at least 256 sectors, data blocks of the second file system having a size of a few sectors (see col. 8 lines 9-17).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moriyama in view of the admitted prior art.

Regarding claims 19-20, Moriyama discloses the limitations above except adapting the first file system to sequential access of the recorded data and simple indirect accessing, while the second file system to random accessing and multiple indirect accessing. The present application stated the conventional manner of UNIX type file system (see page 28 lines 24-35 of the present Application). The Application discloses the conventional UNIX type favors random access to the data through multiple indirect addressing. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to adopt sequential and random access of the recorded video and audio data in order to search the content of the memory in different order.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HELEN SHIBRU whose telephone number is (571) 272-7329. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Helen Shibru
September 5, 2006



THAI Q. TRAN
PROPERTY EXAMINER